

# FINAL COPY

## MINUTES OF A MEETING OF THE BINGHAMTON - JOHNSON CITY JOINT SEWAGE BOARD

**Tuesday, April 9, 2019**

Plant Administration Building

Members Present: George Kolba, Jr., Chairman *Pro Tem*  
Edward Crumb  
Steve Andrew VIA SKYPE  
Ray Standish  
Ronald Davis (arrived at 4:14 PM)

Also Present: Craig A. Matias, Acting Superintendent  
Elliott Wagner, Acting Assistant Superintendent  
Michele Cuevas, Confidential Secretary  
Charles Pearsall, Business Manager  
Howard Reeve, Facilities Engineer  
Alfred Paniccia, Jr., Esq., Counsel  
Chuck Shager, Comptroller (exited meeting at 5:05 PM)  
Laura Lee Perkins, Transcriptionist

Guests: Don Slota (exited meeting at 5:07 PM)  
Ron Lake, P.E., City Project Manager (exited meeting at 5:05 PM)

George Kolba called the meeting to order at 3:33 PM. Four (4) Board Members were present. It is noted that the Board is still without a third representative from the City of Binghamton.

Attendance sheet was passed for signatures. Fire exits were identified.

Chuck Shager presented the Fiscal Officer's Report:

|         |                     |                       |                |
|---------|---------------------|-----------------------|----------------|
| 1/1/19  | <u>Beg. Balance</u> |                       |                |
|         | Checking            | \$1,426,925.29        |                |
|         | Savings             | <u>\$5,012,005.39</u> |                |
|         | Total               |                       | \$6,438,930.68 |
| 3/31/19 | <u>Balance</u>      |                       |                |
|         | Checking            | \$1,485,398.74        |                |
|         | Money Market        | <u>\$5,515,909.90</u> |                |
|         | Total               |                       | \$7,001,308.64 |

Mr. Shager reported that there was not much change in the 2018 financials from last month. He reported there are a couple of items that he is concerned with – gas/heat line has used approximately 65% of budgeted year-to-date. The permit fees and fines – spent \$26,000 out of the \$77,000. Transfers need to be done on the JF fund. He asked Charles Pearsall if he has looked at the Roof Repair/Replacement line (JH554010) as there is a PO out there that makes it overdrawn. Acting Superintendent Matias inquired as to whether that was a TPS charge, and Mr. Shager stated it might be. Mr. Crumb pointed out that there is a Keystone engineering services invoice outstanding and that the Board might need to move money from Capital Contingency.

Mr. Shager informed the Board that he will be forwarding for consideration at next month's meeting information regarding an investment tool which yields 2.3% on any money and the money can be taken out at any time. It is equal to a 6-month Treasury bill, but it does not tie up the money for 6 months. Allowed to withdraw up to \$5,000,000.00 a day.

He also reported that the NYS-EFC is closing later this Spring on outstanding bond anticipation notes [BANs] (about \$66,000,000 for the City and \$55,000,000 to \$60,000,000 for Johnson City). Payments were made at 2%. Municipal User Debt Service rates will have to be increased during the 2<sup>nd</sup> half of the year.

Mr. Shager instructed that Michelle Cuevas can send out the 2<sup>nd</sup> Quarter estimated billings.

Edward Crumb reminded Mr. Shager that Johnson City goes on its summer schedule in June; Village Trustee meetings are held only the 3<sup>rd</sup> week of the month; if a budget modification will be needed to increase the Municipal User Debt Service rates, that schedule change will need to be borne in mind.

Edward Crumb presented the Lead Agency's Capital Project financial Chart Report and Graph Report (see Board folder for hard copy). At the time this report was prepared, the January and February invoices from PC Construction were not available. Taking that into account, the payment applications to-date is close to \$225,000,000 out of the total contracted \$268,500,000. The cost numbers do not reflect any revenue from offsets or grants.

Under the contract entered into by the City with PC Construction, the deadline that PC had for completion of Phase I was June 30, 2018 (presently a projected 11 months behind schedule).

Mr. Kolba stated that he believed he heard that there would be people working in the evening and on weekends to make up some time. No work is seen being done at either time.

Charles Pearsall presented the Business Manager's Report.

- Waiting on jar testing for Polymer needs in order to bid
- DEC penalty – Mr. Paniccia is still trying to get the penalty waived with respect to the Flood Wall completion date. We are caught up with payments otherwise. Edward Crumb reports that a \$5,000.00 payment was made on Claim C96 (Ref. #7 Penalty) for incomplete Phase I status as of 12/31/2018 plus a \$5,000.00 payment for incomplete Phase I status as of 01/31/2019.

Mr. Crumb reported that there is a form that both Mayors (David and Deemie) and the Chair has to sign to certify the completion of a milestone. If we don't have copies of those forms, chances are the form hasn't been signed yet because the milestone has not yet been met.

Charles Pearsall advised that he has been told the DEC does not agree with the City Project Manager's completion dates.

Charles Pearsall reported that the 2018 Flow Reporting results are in – found in Board folder. Edward Crumb made a motion for the Board to ratify the 2018 flows in the total amount of 3,317,745 100 cubic foot billing units as presented in the chart under the 'billable total' column and ONLY that amount would be reported to the Fiscal Officer.

Steve Andrew seconded the motion  
Motion carried 4/0/1/1 vacant

The revised 2019 IWWPP Rate Chart and fee schedule can be found in the Board folder.

Edward Crumb made a motion for the Board to ratify, retroactive to January 1, 2019, the proposed 2019 rate chart as presented in Board folder including IWWPP surcharge unit rates and IWWPP fine structure.

Steve Andrew seconded the motion  
Motion carried 4/0/1/1 (vacant)

Mr. Pearsall presented a revised Letter of Engagement from EFPR; the arbitration clause has been removed.

Edward Crumb made a motion for the Board to hold over this matter

George Kolba seconded the motion  
Matter held.

Mr. Shager advised the Board that the City of Binghamton has changed auditors, who are requesting the same type of documents.

Mr. Pearsall informed the Board that the Plant still needs a Lab Quality Director. Mr. Pearsall was directed to develop a proposed Request for Qualifications and Proposal and forward to Board Members for consideration/action.

Mr. Pearsall received an email from Howard Weaver (Simmons) – asking to hold over the proposed extension with Simmons Recovery Consulting, LLC until he can speak with the Board. The Agreement with Simmons continues until June 2019; Mr. Weaver was looking to extend that Agreement for another year, possibly longer due to mounting delays under the Lead Agency's construction contracts.

Edward Crumb stated he reached out to Mr. Weaver. He did not believe that what Mr. Weaver reflected the whole period of the engagement. There are project worksheets that they cannot finish until the Lead Agency's construction contracts are completed. Mr. Weaver has not submitted the PW-02555 (BAF), which is a large PW. The Plant stands to get back

approximately \$7,000,000.00 when that PW is closed-out after the Owners' construction is completed.

NYS-DEC is requesting something in writing because the date on the Consent Order has passed with respect to submitting a proposed project/scope for the Environmental Benefit Project. Mr. Crumb has brought to the Plant the original GHD proposed project letter to the DEC signed by Mayor David and Mayor Deemie.

Edward Crumb made a motion for the Board to approve having the Chairman Pro Tem sign the April 9, 2019 GHD letter to the DEC on behalf of the Board and signed by the Owners.

Steve Andrew seconded the motion

Motion carried 4/0/1/1

Mr. Pearsall informed the Board that there have been discussions regarding the WQIP project. Shumaker wanted to increase the hourly rate for its newly acquired subsidiary, Woitdt, which has been GHD's M/WBE engineering firm for the WQIP project. George Kolba stated that he had negotiated and recommended a 20% increase, given that delays in the project schedule due to coordination with the Owners' capital projects, has added (or will add) as much as three years to the engineering work.

Ray Standish made a motion for the Board to amend the Agreement with GHD to revise the Woitdt rates up 21% to conform to the Shumaker rates, adding an estimated \$2,876.00 to the GHD Agreement's cost, in accordance with the March 5, 2019 letter from GHD.

Edward Crumb seconded the motion

Motion carried 4/0/1/1

Edward Crumb made a motion for the Board to approve and direct submission to the Owners' Legislative Bodies for a budget transfer in the amount of \$16,402.20 from Capital Contingency (JH8130.554040) to Capital Roof Repair/Replacement (JH8130.554010) in order to make payments of final billings and contractual retainage withholdings.

George Kolba seconded the motion

Motion carried 4/0/1/1

Informational:

- Haylor, Freyer and Coon is agreeable to extending the Workers Compensation Alliance agreement, which expires June 30, 2019.
- The PACE Outside Lab contract is expiring at the end of July. Mr. Pearsall will prepare an updated RFQ/RFP to be approved by the Board for advertisement.

Ronald Davis arrived at 4:14 PM; a quorum of five Board Members is now present.

Edward Crumb made a motion for the Board to modify the 3/12/19 meeting Motion regarding the contract with Worth Environmental to an hourly rate of \$135.00 per hour (down from \$150.00/hour), not to exceed 10 hours per week, with a revised encumbrance of \$17,550.00 on budget line J8130.54410 (Professional Services).

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

Craig Matias presented the Superintendent Report, a copy of which appears below:

**Violations and Significant Issues**

**Compliance**

| <b>Date: March 2019</b><br><b>Average Flow</b><br><b>17.13MGD</b> | <b>Influent</b>      | <b>Effluent</b>          | <b>Average % Removal</b> | <b>Effluent Limit</b>   |                 |
|---|----------------------|--------------------------|--------------------------|---|-----------------|
| <b>CBOD mg/l</b>  | 223mg/l              | 109mg/l<br>15,572lbs/day | 51.12%                   | (Limit 24,840lbs/day)<br>Monitor until Jan 1, 2018<br>then 5,254lbs/day.<br>\$5K Fine |                 |
| <b>Suspended Solids mg/l</b>                                      | 225mg/l              | 54mg/l<br>7,715lbs/day   | 76.0%                    | (Limit 12,765lbs/day)<br>Monitor until Jan 1, 2018<br>then 5,828lbs/day.<br>\$5K Fine |                 |
| Other: Settleable Solids Max ml/l                                 | 9.8ml/l              | 2.0ml/l                  | 79.59%                   | Monitor   |                 |
| Total Nitrogen mg/l   | Feb 2019<br>16.9mg/l | Feb 2019<br>16.2mg/l     | 4.14%                    | Monitor   |                 |
| Chlorine mg/l   | NA                   | 1.48 Max.                | NA                       | 2.0Max.   |                 |
| Avg. Temperature  | 9.3                  | 9.3                      |                          |   |                 |
| <b>Solids Removed</b>   |                      | <b>Dec 2018</b>          | <b>Jan 2018</b>          | <b>Feb 2019</b>   | <b>Mar 2019</b> |
| <b>Digested</b>   |                      | 0                        | 0                        | 0   | 0               |
| <b>Lime Stabilized</b>  |                      | 572.29                   | 501.48                   | 462.10  | 558.97          |
| <b>Total</b>  |                      | 572.29                   | 501.48                   | 462.10  | 558.97          |
| <b>Grit</b>   |                      | 0                        | 0                        | 0   | 0               |
| <b>Screenings</b>   |                      | 2.03                     | 2.06                     | 3.87  | 0               |
| <b>Grease</b>   |                      | 8.82                     | 3.84                     | 0.92  | 7.32            |

- Training is ongoing with vendor supplied equipment and safety training. Approximately 60 contact hours have been approved for vendor training.
- Kelly Horton is working on obtaining his certification for Petroleum Bulk Storage.
- Thorn Mendes, Gary Edwards completed Train the Trainer.
- Elliott Wagner is now registered with NetDMR; we completed our first DMR without incident.
- We will be interviewing soon for another Operator Trainee off the active civil service list. If the candidate is hired or refuses the position the civil service list will be exhausted. At that time another examination should be offered to establish a new operator trainee eligibility list.

- We are in the process of developing an Excel spreadsheet for digester # 3 start up to quantify % solids and/or % volatile solids fed. This spreadsheet will incorporate calculations, pump rates/times, temperatures (VA/TA volatile acids/total Alkalinity Ratios) and lab analysis.
- TPS – main pump # 4 has been placed back into the pump sequencing. All 4 main pumps are available for service.
- Manhole # 4 sampling manhole slide gate test at the Plant on 4/4/19 am showed significant leakage in excess of the acceptable rate.
- GHD – True Look Security cameras expire in one month, then the cameras will go dark. Another six months, it will cost another \$4.5K. Should we extend this service and if so, who is responsible for payment.
- Mechanics and electrical staff are working with the Owners’ vendor to ready digesters #1 & 2 for repair.
- Mechanics are working on removing water from digester # 3 for inspection of the gas mixing piping.
- This Friday 4/12/19 Elliott and I will be meeting with Jason Greene, P.E. to discuss IWWPP, Chemical bulk storage and petroleum bulk storage.

Digester 2 has a crack; work by the Owners’ Contractor is to begin 4/11.

Welliver is fixing Digester 1 leaks and coating.

Mr. Shager reported that the City expects to receive the Contractor’s billing soon for the \$500,000.00 of replacement media to be paid from the reserve established at the end of 2014 from the federal lawsuit proceeds.

Ron Lake, P.E., presented the City Project Manager’s Report.

George Kolba inquired of Ron Lake as to why there were no workers at the Plant on Saturdays. Mr. Lake reported that there was a meeting with PC today, from which it was concluded that PC is in “good shape” to meet all upcoming Consent Order deadlines except one (startup and operation of all three Digesters, which may need to be staggered/delayed based on the timing of anticipated sludge volumes available).

Mr. Lake reported that some of the top management of PC Construction has left, and he expects things to change for the better going forward.

#### Committee Reports:

Construction - Steve Andrew – nothing to report

Finance - Edward Crumb – has been involved with QA/QC checking of the 2018 billable Flows and some preliminary coordination and review with respect to the 2018 Final Billing.

Flow Management – Edward Crumb – reported on the late March meeting with the DEC, the Owners, and Board regarding the Phase III Watershed Implementation Plan (WIP-III) being

drafted in accordance with the U.S. EPA's Chesapeake Bay Total Maximum Daily Load (TMDL) regulation. Given agreements already entered-into by the Board with the DEC's Bureau of Water Resource Management in 2012, it does not appear that the Plant will be adversely, or more stringently, impacted by the WIP-III.

Personnel – Steve Andrew – nothing to report

Ad Hoc – Ronald Davis – nothing to report

Correspondence:  
IWWPP Report

**Old Business** – (none)

### **Executive Session**

George Kolba made a motion for the Board to enter Executive Session to discuss Personnel matters.

Ronald Davis seconded the motion

Motion carried 5/0/1 vacant

The Board entered Executive Session at 5:15 PM.

Steve Andrew made a motion for the Board to exit Executive Session

Edward Crumb seconded the motion

Motion carried 5/0/1 vacant

The Board exited Executive Session at 5:27 PM. No action was taken during the Executive Session.

### **New Business**

Charles Pearsall informed the Board that the Owners had met with the Union Officers, informing the Unions that changes to employee and management were coming; restructuring of the Plant.

Steve Andrew stated his opinion that the Union should file a grievance of unfair labor practice against the parties involved given that the Board is the Employer under the collective bargaining agreement.

The Union Representatives went to the Union employees about the information learned in the Owners' meeting.

This is not good for the morale of the Plant's employees (at any level). Based on uncertainty and/or lack of information, valuable employees may leave for other employment. The Confidential Secretary reported that there already have been questions asked about employee benefits.

There is a Union meeting scheduled for today.

The Union representatives were reportedly told that a Request for Proposal (RFP) was going out on Monday, April 15th, to privatize the Plant.

The next scheduled monthly meeting will be May 14<sup>th</sup> at 3:30 PM at the Plant.

Ray Standish made a motion for the Board to adjourn.

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

Meeting adjourned at 5:37 PM

Respectfully submitted,

Laura Lee Perkins  
Transcriptionist

cc: Board Members  
Mayor Rich David, City of Binghamton  
Mayor Greg Deemie, Village of Johnson City  
City Clerk, City of Binghamton  
Village Clerk/Treasurer, Village of Johnson City  
Alfred Paniccia, Esq.  
Chuck Shager, Fiscal Officer  
Craig Matias, Acting Superintendent  
Brown & Brown Empire State  
Haylor Freyer & Coon  
Robert Bennett, P.E., Village of Johnson City, Engineer  
Ray Standish, P.E., City of Binghamton, City Engineer  
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